

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**  
*Philadelphia Division*

IN RE: NILAM V PATEL	Case No. 19-16366-mdc Chapter 13
Wells Fargo Bank, N.A., Movant	
vs.	
NILAM V PATEL, Debtor	

**MOTION TO COMPEL DEBTOR TO FILE MODIFIED PLAN OR AGREED  
ORDER TO RESOLVE ARREARS RESULTING FROM CARES ACT FORBEARANCE**

AND NOW, comes secured Creditor, Wells Fargo Bank, N.A., (“Movant”) by and through its counsel, Brock and Scott, PLLC, and hereby requests for an Order to Compel the Debtor to Resolve the Delinquency in Forbearance Payments as set forth in the Supplemental Proof of Claim filed on June 23, 2021 for the reason that the debtor has materially defaulted in the plan by failing to make regular mortgage payments outside of the plan:

1. On or about October 10, 2019, the Debtor(s) filed a Chapter 13 Bankruptcy Petition.
2. The Debtor has executed and delivered or are otherwise obligated with respect to that certain promissory note in the original principal amount of \$148,136.75 (the “Note”). Movant is an entity entitled to enforce the Note.
3. On or about November 9, 2006, the Debtor executed a security instrument to Movant and/or Movant's (recorded on December 13, 2006) and secured by the property located at **6035 Snapdragon Ct, Bensalem, PA 19020**, referred to as the "Property".
4. On or about June 23, 2021, Movant filed a Supplemental Proof of Claim for CARES Forbearance Claim (“SPOC”) per 11 U.S.C. § 501(f)(1). The SPOC included post-petition arrears

5. The Supplemental Proof of Claim was timely filed per 11 U.S.C. § 502(b)(9).
6. An objection has not been filed to the Supplemental Proof of Claim.
7. As of October 27, 2021, the loan is post-petition due for May 1, 2020, through October 1, 2021 in the amount of \$30,991.26, less suspense in the amount of \$0.05, for a total amount due of \$30,991.21. A payment history is attached hereto.
8. If the debtor has been negatively impacted by COVID-19, the debtor(s) may contact Wells Fargo Bank, N.A. to discuss a personalized solution at (866) 234-8271. Written attorney consent may be required to speak directly with the debtor(s) about these options.
9. Movant respectfully requests that an Order be entered compelling the Debtor(s) to cure the missing forbore payments as illustrated in the June 23, 2021, SPOC either by a lump sum payment, by amending their Chapter 13 Plan, or by filing a completed loss mitigation application with Movant.

**WHEREFORE**, Movant respectfully request the Honorable Court to issue an Order that (1) permits Wells Fargo Bank, N.A. to communicate with the Debtor(s) directly to the extent necessary to comply with the applicable non-bankruptcy law, including the CARES ACT; (2) that prior to or after the hearing date, the Debtor(s) shall enter into an Order with the Movant curing the post-petition payments as listed herein.

/s/ Andrew Spivack  
Andrew Spivack  
(Bar No. 84439)  
Attorney for Creditor  
BROCK & SCOTT, PLLC  
302 Fellowship Road, Suite 130  
Mount Laurel, NJ 08054  
Telephone: 844-856-6646 x3017  
Facsimile: 704-369-0760  
E-Mail: PABKR@brockandscott.com

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**  
*Philadelphia Division*

IN RE: NILAM V PATEL	Case No. 19-16366-mdc Chapter 13
Wells Fargo Bank, N.A., Movant	
vs.	
NILAM V PATEL, Debtor	

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and exact copy of the foregoing Motion To Compel has been electronically served or mailed, postage prepaid on October 28, 2021 to the following:

NILAM V PATEL  
6035 SNAPDRAGON CT  
BENSALEM, PA 19020

Brad J. Sadek, Debtor's Attorney  
1315 Walnut Street, Suite 502  
Philadelphia, PA 19107

Kenneth E. West, Bankruptcy Trustee  
Chapter 13 Trustee  
1234 Market Street - Suite 1813  
Philadelphia, PA 19107

United States Trustee, US Trustee  
200 Chestnut Street  
Suite 502  
Philadelphia, PA 19106

/s/ Andrew Spivack  
Andrew Spivack  
(Bar No. 84439)  
Attorney for Creditor  
BROCK & SCOTT, PLLC

302 Fellowship Road, Suite 130

Mount Laurel, NJ 08054

Telephone: 844-856-6646 x3017

Facsimile: 704-369-0760

E-Mail: PABKR@brockandscott.com